

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

**CRYSTAL STOVALL ENTERPRISES,
LLC,**

Plaintiff,

v.

ESSEX INSURANCE COMPANY,

Defendant.

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Case No.: _____

NOTICE OF REMOVAL

COMES NOW Evanston Insurance Company, as successor by merger to Essex Insurance Company ("Evanston"), and files this Notice of Removal of this action from the Circuit Court of Calhoun County, Alabama (CV-2017-900108), to the United States District Court for the Northern District of Alabama, Eastern Division, and shows unto the Court the following:

1. The above-entitled action was commenced in the Circuit Court of Calhoun County, Alabama, on February 28, 2017, and is now pending therein. A copy of Plaintiff's Complaint is attached hereto as part of Exhibit A. Evanston was served on March 6, 2017. Therefore, the removal of this case is timely pursuant to 28 U.S.C. Section 1446(b)(2)(B).

2. Copies of all process, pleadings, and orders served on or by Evanston in said action are attached hereto as Exhibit A.

3. This action is one of a civil nature over which the District Court has original jurisdiction because of diversity of citizenship, pursuant to 28 U.S.C. Section 1332.

4. Plaintiff Crystal Stovall Enterprises, LLC, at the time of the commencement of this action, and since that time, was and is a limited liability company organized and existing

under the laws of the State of Alabama. The sole member of Crystal Stovall Enterprises, LLC, is Alan Stovall. [Exhibit B, Articles of Organization, p. 2 § 5]. Mr. Stovall is a resident and citizen of the State of Alabama. [Ex. B, p. 2, § 5].

5. Evanston, at the time of the commencement of this action, and since that time, was and is a corporation organized and existing under the laws of the State of Illinois, with its principal place of business in Deerfield, Illinois. [Exhibit C, Department of Insurance Information for Evanston]. Effective July 1, 2016, Essex Insurance Company merged into Evanston, and Essex Insurance Company ceased to exist. Evanston assumed all risks and liability of Essex Insurance Company, including any liability arising under the insurance policy at issue in this case. Essex Insurance Company was a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Glen Allen, Virginia. However, now that Essex Insurance Company has merged into Evanston, Evanston is the proper party-defendant.

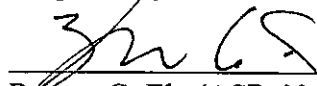
6. Plaintiff is a citizen of Alabama, and Evanston is a citizen of Illinois. *See, e.g., Rolling Greens MHP, L.P. v. Comcast SCH Holdings, L.L.C.*, 374 F.3d 1020, 1022 (11th Cir. 2004) (“[L]ike a limited partnership, a limited liability company is a citizen of any state of which a member of the company is a citizen.”); 28 U.S.C. § 1332(c)(1) (“For the purposes of this section and section 1441 of this title . . . a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business . . .”). Therefore, all parties to the case are diverse from one another, and this Court has diversity jurisdiction pursuant to 28 U.S.C. Section 1332(a)(1).

7. In addition, the amount in controversy exceeds the Court's jurisdictional threshold of \$75,000.¹ 28 U.S.C. § 1332(a). In the Complaint, Plaintiff specifically seeks compensatory damages in the amount of \$539,892.14. [Exhibit A, Complaint, p. 3, ¶ 16]. Plaintiff also seeks punitive damages for "normal" bad faith and "abnormal" bad faith. [Exhibit A, Complaint, Counts Two and Three]. Thus, the amount in controversy exceeds the \$75,000 jurisdictional threshold of the Court. 28 U.S.C. § 1332(a).

8. Based on the foregoing, complete diversity exists, the amount in controversy is met, and this Court has proper jurisdiction. Therefore, this case is subject to removal to this Court.

WHEREFORE, PREMISES CONSIDERED, Evanston prays that this Honorable Court take jurisdiction of this cause and issue all necessary orders and process in order to remove the above-styled action from the Circuit Court of Calhoun County, Alabama.

Respectfully submitted,



Brenen G. Ely (ASB-0366-E54B)

Seth T. Hunter (ASB-8506-S76H)

Attorneys for Evanston Insurance Company,
as successor by merger to Essex Insurance
Company

¹Evanston denies that it is liable to Plaintiff for any damages; however, based on the allegations contained in Plaintiff's Complaint, the amount in controversy exceeds the jurisdictional amount of this Court.

OF COUNSEL:

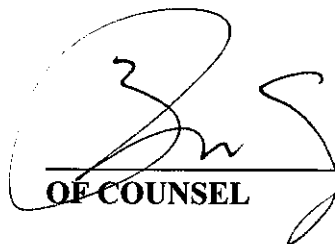
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CERTIFICATE OF SERVICE

I do hereby certify that a true and accurate copy of the foregoing has been served on all parties of record via electronic filing and/or U.S. Mail on this the 28th day of March, 2017.

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